

FILED

AUG 08 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 MICHAEL R. MATTHIAS, Bar No. 57728
 2 BAKER & HOSTETLER LLP
 3 12100 Wilshire Boulevard, 15th Floor
 4 Los Angeles, California 90025-7120
 Telephone: 310.820.8800
 Facsimile: 310.820.8859
 Email: mmatthias@bakerlaw.com

5 Attorneys for Plaintiff and Counterdefendant
 6 MMA CAPITAL, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

10 MMA CAPITAL, INC.,

11 Plaintiff,

12 v.

13 DYNAMIC LEISURE CORPORATION,

14 Defendant.

16 DYNAMIC LEISURE CORPORATION,

17 Counterclaimant,

18 v.

19 MMA CAPITAL, LLC,

20 Counterdefendant.

Case No. CV08-00482 MHP

**STIPULATION AND ~~PROPOSED~~
 ORDER OF DISMISSAL WITHOUT
 PREJUDICE**

21 The parties, Plaintiff and Counterdefendant MMA Capital, Inc. ("MMA"), through its
 22 attorneys, Baker & Hostetler LLP, and Defendant and Counterclaimant Dynamic Leisure
 23 Corporation ("Dynamic"), through its attorney, Samuel Kornhauser, hereby stipulate to dismissal
 24 of the above-captioned Complaint and Counterclaim, each without prejudice:

BACKGROUND

- 26 1. MMA filed the Complaint in this matter on or about January 22, 2008.
 27 2. Dynamic filed its Answer to the Complaint and Counterclaim on or about
 28 February 13, 2008.

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STIPULATION AND ~~PROPOSED~~ ORDER OF
 DISMISSAL WITHOUT PREJUDICE 3:08-CV-00482-
 MHP

BAKER & HOSTETLER LLP
 ATTORNEYS AT LAW
 LOS ANGELES

3. MMA filed its Answer to the Counterclaim on or about March 4, 2008.

4. On or about April 21, 2008, MMA and Dynamic advised the Court that they were in the process of reaching and memorializing in writing a settlement agreement.

5. On or about April 22, 2008 the Court entered its Order (Ninety-Day Conditional Dismissal) in this matter.

6. On or about July 21, 2008, MMA filed its Request to Restore Case to Calendar because the anticipated settlement had not been consummated.

7. By Order dated July 24, 2008, the Court set a Status Conference in this matter for August 11, 2008 at 3:00 p.m.


8. While the parties have tentatively resolved this matter as to themselves, the agreement has been complicated by the actions of a third party which interfere with consummation of the settlement at this time.

9. Given the tentative resolution of this matter between the parties and their inability to consummate that agreement because of the actions of a third party, the parties desire to dismiss this action without prejudice as such disposition puts the parties in the best position to finally resolve this matter and deal with the problems caused by the actions of the third party.

WHEREFORE, MMA and Dynamic hereby stipulate to dismissal of this action without prejudice, with all parties to bear their own costs and attorneys' fees.

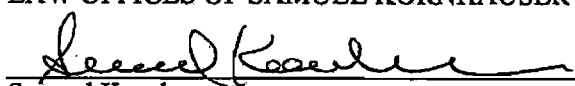
Dated: August 7, 2008

Baker & Hostetler LLP
MICHAEL R. MATTHIAS


Michael R. Matthias
Attorneys for Plaintiff and Counterdefendant
MMA CAPITAL, INC.

Dated: August 6, 2008

LAW OFFICES OF SAMUEL KORNHAUSER



Samuel Kornhauser
Attorney for Defendant and Counterclaimant
DYNAMIC LEISURE CORPORATION

ORDER OF DISMISSAL

Pursuant to stipulation of the parties, and good cause appearing,

IT IS HEREBY ORDERED that the above-captioned matter be and hereby is dismissed without prejudice, with each party to bear its own costs and attorneys' fees.

DATED: August 8, 2008.


Marilyn Hall Patel
United States District Court Judge

BAKER & HOSTETLER LLP
ATTORNEYS AT LAW
LOS ANGELES